

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH WARE,

Defendant.

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CASE NO. 1:11-cr-00376

OPINION & ORDER

[Resolving Doc. [208](#)]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Finding that Defendant Joseph Ware’s compassionate release motion does not raise extraordinary and compelling circumstances and that the 18 U.S.C. § 3553 factors weigh against a sentence reduction, the Court **DENIES** Defendant’s motion.<sup>1</sup>

Defendant Ware argues for compassionate release on the grounds that he is needed to help his mother during her surgery and recovery.<sup>2</sup> He says that his mother’s mobility is limited by her medical conditions and risk of contracting COVID-19.<sup>3</sup>

The Court regrets Defendant’s mother’s health condition but finds that Defendant has not made a showing of extraordinary and compelling circumstances. Although this Court has found that caring for an elderly parent can constitute grounds for granting a

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<sup>1</sup> Cf. *United States v. Manso-Zamora*, No. 20-1665, 2022 WL 43182, at \*2 (6th Cir. Jan. 5, 2022) (“When a defendant files a motion for a reduced sentence under 18 U.S.C. § 3582(c)(1)(A), a district court may grant the defendant so-called “compassionate release” (a phrase not used in the statute) if the court finds two things. [ . . . ]. The court must conclude both that “extraordinary and compelling reasons warrant such a reduction” and that the reduction would comport with the “applicable” sentencing factors in 18 U.S.C. § 3553(a).”).

<sup>2</sup> Doc. 208 at 3–4.

<sup>3</sup> *Id.*

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motion for compassionate release, the Court does not find those circumstances presented here.<sup>4</sup>

Additionally, the Court finds that the 18 U.S.C. § 3553 factors weigh against granting the motion. Defendant was convicted in this Court for drug and gun offenses after having previously been convicted of involuntary manslaughter and aggravated robbery.<sup>5</sup> Further, the Court previously reduced Defendant's sentence by 8 months and does not find the sentencing factors to warrant additional reduction here.<sup>6</sup>

IT IS SO ORDERED.

Dated: February 3, 2022

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>4</sup> Cf. *United States v. Walker*, No. 1:11 CR 270, 2019 WL 5268752, at \*2–3 (N.D. Ohio Oct. 17, 2019) (granting compassionate release when defendant was the only available caretaker for his terminally ill mother who required expensive, non-traditional treatment due to a genetic issue and defendant had received an unusual and lucrative job opportunity based on a book he wrote that would allow him to assist with his mother's medical costs, and support himself).

<sup>5</sup> Doc. 132 at 7.

<sup>6</sup> Doc. 179.